

August 24, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: _____ JU
DEPUTYUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISIONNICHOLAS DeFOSSETT,
Plaintiff,

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§

§

v.

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Civil Action No. 5:21-cv-00324-OLG

GEORGE J. ABDO d/b/a PERRIN
PLAZA,
Defendant.

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SHOW CAUSE ORDER

On this day, the Court considered the status of the above-captioned case. Plaintiff's Original Complaint was filed on April 1, 2021. Plaintiff, however, has not served Defendant. As a result, this Court entered a Show Cause Order on August 12, 2021, ordering Plaintiff to show cause within 10 days why his complaint should not be dismissed pursuant to Fed. R. Civ. P. 4(m). *See* docket no. 4. Plaintiff failed to respond to this Show Cause Order.

Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Because more than 90 days have passed since Plaintiff filed the complaint, this case is subject to dismissal.

It is therefore ORDERED that this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 4(m). This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 24th day of August, 2021.



ORLANDO L. GARCIA
Chief United States District Judge